

REMARKS

Claim Amendments

Claims 1 and 5 have been amended to replace the phrase “treating or preventing neoplasia disease” with the phrase “preventing or inhibiting solid tumor growth.” No new matter has been added. The claim as amended is supported by the specification, for example, at page 22, lines 16-26.

Claim 7 has been amended to include the compounds of formula XVII and XVIII as described on pages 8 and 9 of the specification. No new matter has been added.

Claim 9 has been amended to be placed in proper independent form. No new matter has been added. The claim as amended is supported by claims 1 and 9 as originally filed and by the specification, for example, at page 4, line 22 to page 5, line 5.

Claims 10-13 have been cancelled and new claim 14 has been added. New claim 14 is supported in the specification, for example, at page 5, line 9 to page 9, line 4.

Upon entry of this amendment, claims 1, 3, 5, 7, 9 and 14 will be pending in the application.

Claim Rejections

1. Obviousness-type double patenting rejection

In response to the rejection under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of U.S. Patent No. 6,372,719, Applicants have submitted herewith an appropriate terminal disclaimer under 37 C.F.R. 1.321 to disclaim the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the full statutory term of co-owned U.S. Patent No. 6,372,719. Thus, it is respectfully submitted that the obviousness-type double patenting rejection has been obviated. Withdrawal of the rejection is respectfully requested.

2. Rejection Under 35 U.S.C. §112

Claims 1, 3, 5, 7 and 9-13 are rejected under 35 U.S.C. §112, first paragraph for failing to enable the treatment or prevention of neoplasia diseases. In response thereto, Applicants have amended claims 1 and 5 to replace the phrase “treating or preventing

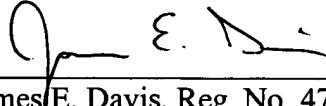
neoplasia diseases" with the more definite phrase "preventing or inhibiting solid tumor growth." Applicants respectfully submit that the amended claims are sufficiently defined within the scope of the specification such that one skilled in the art would be able to practice the invention without undue experimentation. More particularly, the prevention or inhibition of solid tumor growth is described in the specification, for example, at page 22, lines 16-26. Thus, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

Conclusion

For the reasons set forth above, Applicants respectfully submit that claims 1, 3, 5, 7, 9 and 14 are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicants do not believe that any fee is required by the timely submission of this response. However, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 08-0750. Further, if there is any other fee deficiency or overpayment of any fees in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or credit such overpayment to Deposit Account No. 08-0750.

Respectfully submitted,



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